UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MARK ALLAN CARLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 3:22-cv-49**
	)	
SAUL TAYLOR ESKOW	)	
	)	
	)	
Defendant.	)	

COMPLAINT

Plaintiff Mark Allan Carley ("Mr. Carley"), by counsel and for his Complaint seeking judgment against Defendant Saul Taylor Eskow ("Officer Eskow"), states as follows:

JURISDICTION AND VENUE

1. This Court is vested with subject matter jurisdiction over Mr. Carley's 42 U.S.C. § 1983 claim pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), (4). This Court is vested with supplemental jurisdiction over Mr. Carley's state law claims pursuant to 28 U.S.C. § 1367.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the acts and omissions giving rise to Mr. Carley's claims occurred within the Eastern District of Virginia.

3. Assignment to the Richmond Division of the Eastern District of Virginia is proper pursuant to Eastern District of Virginia Local Rules 3(B)(4) and 3(C) because a substantial part of the acts and omissions giving rise to Plaintiff's claims occurred in Chesterfield County.

FACTUAL ALLEGATIONS

I. Officer Eskow is Trained on the Operation of Police Vehicles in Nonemergency Circumstances.

1. At all times alleged herein, Officer Eskow was an employee of the Chesterfield County Police Department working as a patrol officer.

2. Prior to November 28, 2020, Officer Eskow had been trained by the Chesterfield County Police Department on the operation of police vehicles in nonemergency circumstances.

3. Specifically, Officer Eskow had been trained on the content of Va. Code Ann. § 46.2-920, which provides that law enforcement vehicles may only be operated in excess of the speed limit when emergency conditions are present and the vehicle's emergency equipment has been activated.

4. Additionally, Officer Eskow had been trained on the content of Chesterfield County Police Department's policy entitled "Vehicle Operations and Pursuits." An authentic copy of this policy has been appended hereto as **Exhibit A**.

5. Accordingly, as part of his training on that policy, Officer Eskow was aware that—as a matter of departmental policy—he was required to abide by all traffic regulations unless responding to an emergency with activated emergency equipment (i.e., emergency lights and siren).

6. Officer Eskow had also been trained on the risks associated with driving at night, and that the risks of an accident were significantly increased when driving at night in poorly lit areas at high speeds.

7. Moreover, Officer Eskow had received remedial training on these principles and other principles of defensive driving (such as keeping two hands on the steering wheel) due to having been in multiple vehicular accidents while on duty prior to November 28, 2020.

II. Officer Eskow Strikes Mr. Carley with His Police Vehicle and Causes Mr. Carley to Suffer Extensive Injuries.

8. On the night of November 28, 2020, Officer Eskow was employed by Chesterfield County, Virginia as a police officer with the Chesterfield County Police Department.

9. That night, Officer Eskow was on duty and patrolling the area near Route 1 and West Hundred Road when he heard a nearby officer report that a civilian driver was not responding to a traffic stop.

10. However, no vehicular pursuit had been announced.

11. Officer Eskow decided to travel towards the location of the civilian driver who was not responding to a traffic stop.

12. When Officer Eskow decided to travel towards the location of the civilian driver, it was approximately 11:00 p.m.

13. At that time, his police vehicle was stopped at a red light at the intersection of Route 1 and West Hundred Road.

14. Officer Eskow then activated his emergency lights and made a right turn onto West Hundred Road from the main travel lane on Route 1.

15. Upon completing the turn, Officer Eskow deactivated his emergency lights and continued traveling on West Hundred Road.

16. At the particular portion of West Hundred Road that Officer Eskow was traveling at the time, West Hundred Road is a six-lane highway with three lanes in each direction and a concrete median in the center.

17. Additionally, at the particular portion of West Hundred Road that Officer Eskow was traveling at the time, it was very dark and West Hundred Road was poorly lit and had a posted speed limit of 35 miles per hour.

18. Nevertheless, and despite the fact that neither his emergency lights nor siren were activated, Officer Eskow accelerated the speed of his police vehicle until he was traveling at a speed well above the posted speed limit (approximately 30 miles per hour over the speed limit).

In doing so, Officer Eskow deliberately chose to disregard his training and ignore both the requirements of Va. Code Ann. § 46.2-920 and the mandates of departmental policy.

19. Prior to November 28, 2020, Officer Eskow had been trained and was aware that operating his police vehicle at such speeds constituted reckless driving under Virginia law. Va. Code Ann. § § 46.2-862 (providing that the operation of a motor vehicle more than 20 miles per hour over the speed limit constitutes reckless driving).

20. Furthermore, despite his decision to accelerate the speed of his vehicle well in excess of the posted speed limit, Officer Eskow made no effort to monitor the speed of his vehicle as he was driving and only kept his left hand on the steering wheel, while partially giving his attention to a device in his right hand.

21. In choosing to unlawfully exceed the speed limit on West Hundred Road, Officer Eskow forfeited any right of way he might have otherwise had vis-à-vis pedestrians crossing the highway. Va. Code Ann. § 46.2-823 ("The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have under this article.").

22. While traveling in the center lane of West Hundred Road, Officer Eskow approached two pedestrians traveling across West Hundred Road. Officer Eskow's excessive rate of speed and inattentiveness while driving prevented him from detecting the presence of pedestrians until he was right upon their position.

23. Officer Eskow swerved to the left to avoid striking the pedestrians and began applying his brakes. However, given his excessive speed, Officer Eskow was unable to fully control his police vehicle and drove the vehicle up onto the cement median of West Hundred Road. It appeared to one of these pedestrians that Officer Eskow was traveling approximately 50-60 miles per hour at the time he passed by them—i.e., 15-25 miles per hour over the posted speed limit.

24. At the time that Officer Eskow traveled up onto the concrete median of West Hundred Road, Mr. Carley was traversing crossing the highway and near the median. There were no marked crosswalks or nearby intersections at that point on West Hundred Road and the crossing location that Mr. Carley had chosen was the most direct route to his destination on the other side of the highway.

25. At the time that he attempted to cross West Hundred Road, Mr. Carley was wearing a yellow reflective vest and orange cap.

26. After swerving to avoid the pedestrians in the roadway, Deputy Eskow traveled a distance **in excess of 112 feet** and struck Mr. Carley with his police vehicle. After striking Mr. Carley, the police vehicle traveled approximately 84 feet from the point of impact to its stopping point. The impact caused Mr. Carley's body to travel 113 feet from the point of impact.

27. Officer Eskow's body worn camera footage from the night of the incident demonstrates that **1.4 seconds or less** elapsed from the moment he first swerved around the pedestrians on West Hundred Road until he struck Mr. Carley with his police vehicle. Given the curved trajectory of Officer Eskow's police vehicle, the physical distance between these two points on West Hundred Road was **in excess of 112 feet.** Therefore, Officer Eskow's police vehicle was moving at **an average speed** greater than 55 miles per hour in the 1.4s preceding the moment of impact. Va. Code Ann. § 46.2-880.

28. A witness who observed the accident called 911 and reported that Officer Eskow's police vehicle had struck Mr. Carley at a speed of 50 miles per hour.

29. As a result of Officer Eskow's deliberate disregard of Virginia law and departmental policy, Mr. Carley suffered serious and permanent injuries and incurred over one million dollars in medical expenses. His injuries included, but were not limited to, a fractured left

leg and pelvis, a broken hip, a broken rib, a mild traumatic brain injury with internal bleeding, a laceration to his right knee, a collapsed lung, and lacerations to his head.

COUNT I: 42 U.S.C § 1983 (Substantive Due Process)

30. The foregoing allegations of this pleading are incorporated herein by reference.

31. As an employee of the Chesterfield County Police Department, Officer Eskow's operation of his police vehicle while on duty as described herein amounted to conduct under color of state law.

32. Mr. Carley, pursuant to the Fourteenth Amendment of the United States Constitution, was and is vested with the federal right of substantive due process by virtue of the Due Process Clause.

33. As of the evening of November 28, 2020, Officer Eskow was subjectively aware of the substantial risk of physical harm posed to nearby motorists and pedestrians (including Mr. Carley) by operating his police vehicle at excessive speeds, particularly when doing so at night and without the vehicle's emergency equipment activated. He was further aware that the danger created by operating his police vehicle in this manner was enhanced by his inattentiveness to his vehicle's speed and by failing to keep both hands on the steering wheel of his vehicle.

34. Despite Officer Eskow's knowledge to that effect and his awareness that an emergency situation did not yet exist, Officer Eskow deliberately chose to operate his police vehicle at speeds that would constitute reckless driving under Virginia law. Further, he elected to do so at night, on a poorly lit highway, and without use of his vehicle's emergency equipment. He engaged in this reckless driving while only keeping his left hand on the steering wheel and giving his attention to a device in his right hand rather than the speed of his police vehicle and the occupants of the roadway. In doing so, Officer Eskow acted with deliberate indifference to the

rights of other nearby motorists and pedestrians, including Mr. Carley, and struck Mr. Carley with his police vehicle in violation of Mr. Carley's substantive due process rights.

35. As a direct and proximate result of the unconstitutional conduct articulated in this Count, Officer Eskow struck Mr. Carley with his police vehicle with sufficient force to launch Mr. Carley's body 113 feet from the point of impact. This collision visited grievous injuries upon Mr. Carley, to include a fractured left leg and pelvis, a broken hip, a broken rib, a mild traumatic brain injury with internal bleeding, a laceration to his right knee, a collapsed lung, and lacerations to his head.

36. As a direct and proximate result of the unconstitutional conduct articulated in this count, Mr. Carley has experienced significant physical and mental pain and distress, and has incurred significant medical expenses and is likely to incur additional medical expenses in the future. Additionally, Mr. Carley has suffered a significant loss of quality of life and function, and is likely to experience such losses in the future.

COUNT II: Negligence/Gross Negligence

37. The foregoing allegations of this pleading are incorporated herein by reference.

38. At all times described herein, Officer Eskow owed a duty to other motorists and pedestrians on the roadway, including Mr. Carley, to operate his police vehicle with reasonable care.

39. Officer Eskow breached the duty of reasonable care that he owed to Mr. Eskow by operating his police vehicle at speeds that would constitute reckless driving under Virginia law, and particularly while doing so at night, on a poorly lit highway, and without use of his vehicle's emergency equipment. He further breached his duty of reasonable care by operating his police

vehicle under these conditions while only keeping his left hand on the steering wheel and giving his attention to a device in his right hand rather than the speed of his police vehicle.

40. Officer Eskow's deliberate decision to operate his police vehicle in this reckless manner was in contravention of his own training as a law enforcement officer, as well as controlling departmental policies and Virginia law. Officer Eskow knew or should have known that his recklessness was likely to cause injury to others and his conduct evinces a want of even scant care on his part for other motorists and pedestrians on the roadway, to include Mr. Carley. Accordingly, Officer Eskow's conduct constitutes gross negligence under Virginia law.

41. As a direct and proximate result of the negligence and gross negligence articulated in this Count, Officer Eskow struck Mr. Carley with his police vehicle with sufficient force to launch Mr. Carley's body 113 feet from the point of impact. This collision visited grievous injuries upon Mr. Carley, to include a fractured left leg and pelvis, a broken hip, a broken rib, a mild traumatic brain injury with internal bleeding, a laceration to his right knee, a collapsed lung, and lacerations to his head.

42. As a direct and proximate result of the negligence and gross negligence articulated in this count, Mr. Carley has experienced significant physical and mental pain and distress, and has incurred significant medical expenses and is likely to incur more such expenses in the future. Additionally, Mr. Carley has suffered a significant loss of quality of life and function, and is likely to experience such effects in the future.

WHEREFORE, Mr. Carley demands judgment against Officer Eskow in the sum of FIVE MILLION DOLLARS ($5,000,000.00) for compensatory damages, his fees and costs expended in this action pursuant to 42 U.S.C. § 1988, and prejudgment interest from the date of the collision.

TRIAL BY JURY IS DEMANDED.

Respectfully Submitted,
MARK ALLAN CARLEY

By: _____/s/_____
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Operations Manual	Chapter: Response, Enforcement and Documentation	2.2.06	Page 1 of 23
	Vehicle Operations & Pursuits		References:
			Distribution: ALL Personnel
	Amends/Supersedes 06/25/2018	Review Date 07/24/2020	Effective Date 07/24/2019
			Issuing Authority: Chief of Police

CALEA: 41.2.1; 41.2.2; 41.2.3; 41.3.3; 61.3.3

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I. Policy <41.2.2a>

Officers who engage in vehicle pursuits and other emergency vehicle operation must continually balance the need to pursue or respond at high speeds against all known or apparent risks. In all vehicle operation, employees shall exercise reasonable caution, prudence and due regard for the rights and safety of others.

II. Purpose

This policy establishes rules and procedures regarding pursuit driving, emergency response driving and other vehicle operation in order to assure that all police vehicle operation is consistent with the department mission.

III. Discussion

A. Overview <41.2.2a>

1. The department is committed to promoting public safety. Some instances of police pursuit and emergency response driving are necessary and unavoidable, but no assignment is of such importance, and no task is to be expedited with such emphasis, that principles of safety become secondary.
2. Vehicle pursuits and emergency response driving are inherently high-risk activities and officers must exercise discretion very carefully during such episodes. This discretion

involves the consideration of complex and sometimes unpredictable factors which may continually change, requiring a continued assessment of the risks involved.

B. Routine Patrol and Normal Vehicle Operation <41.2.1>

1. Officers shall operate police vehicles in accordance with the normal rules of the road except in the situations identified in this policy. Even when permitted to operate outside the normal rules of the road, officers shall drive with a due regard for safety and properly use emergency equipment. Reckless and careless driving is prohibited.
2. The highly visible nature of marked police vehicles makes it imperative that officers always operate them in a safe, courteous manner while obeying traffic laws and ordinances.
3. Sending text messages/photographs while driving a county or department issued car is prohibited. Employees will use cellular telephones in a manner that is conducive to the safe operation of the motor vehicle.
4. Department members will exercise good judgment and appropriate caution when operating a vehicle in which a mobile data computer is mounted. The operation of this equipment is secondary to safety. Members shall be cognizant of their duty to ensure that proper attention and due regard are given to their primary responsibility—operation of the vehicle
5. Department members shall wear their safety belts at all times while in county vehicles. Exceptions include sworn officers that are transporting persons in custody or traveling in circumstances which render the wearing of such safety belt impractical. <41.3.3>
6. The use of any tobacco product in any police vehicle is prohibited. This includes electronic cigarettes or similar products or devices.

C. Vehicle Operation Considerations <41.2.2a>

Officers shall maintain situational awareness and regulate vehicle operation in routine and emergency response driving; to include:

1. Type, condition and capabilities of the vehicle being operated
2. Type and condition of the roadway (blind curves, narrow roads, etc.)
3. Obstacles, both present and potential, that must be avoided (e.g., foreign objects on the roadway, construction, standing water, etc.)
4. Time of day and weather conditions and visibility
5. Population density and volume of pedestrian traffic
6. Volume, type, speed and direction of vehicular traffic
7. Operator's familiarity with vehicle and the area
8. Operator's experience, training and driving skills

D. Authorized Use of Vehicles

Officers are required to have available for immediate use department-issued credentials, handgun and radio during travel or transport. Authorized use of vehicles includes:

1. The performance of law enforcement duties
2. Travel to police related or approved employment in assigned take-home vehicle or authorized spare police vehicle if available.
3. General off duty use of police vehicles is authorized within the county. Officers shall monitor the radio and render aid as needed.

    a. Officers in an off-duty general use status, shall have their department issued handgun or off-duty/ secondary weapon with which they are currently qualified.

E. Unauthorized Use of Vehicles

Unauthorized use of vehicles includes:

1. Travel or task performance beyond the stated capabilities of the vehicle;
2. Travel outside of the county except on official business;
3. Transport of non-department personnel except when in performance of duties or assignments or when prior authorization has been received from supervision;
4. Travel in violation of Rules of Conduct or Substance Abuse policy;
5. Travel or use in non-police related secondary employment;
6. Transport of excessively large or heavy loads or objects which protrude from the trunk or windows, except as required in the performance of official duties;
7. Travel while engaged in political activities such as setting up signs and attending rallies, caucuses, promotional events, or fundraisers;
8. Any other occurrence which could be construed as being unreasonable given the constraints defined herein.

IV. Response Driving <41.2.1>

A. Emergency Response Driving and Overtaking Runs

1. When responding to emergency situations, and in efforts to overtake other vehicles, officers shall operate their vehicles in accordance with state laws pertaining to emergency driving and the guiding principles of this policy.

2. In deciding the extent to which it may be reasonable to deviate from the normal rules of the road in emergency response driving, the officer shall consider such additional factors as:

   a. Nature of the offense and the circumstances known concerning the call
   b. Whether an emergency response is likely to favorably impact any outcome of events
   c. Location and response of other emergency resources

B. Emergency Communication Center Responsibility <41.2.2e>

The ECC is responsible for making the initial determination of whether a call for service is a life-threatening emergency. These calls will be dispatched with the use of alert tones. Based on information received, the type of response may be modified (downgraded or upgraded) by the responding officer or a supervisor. When a responding officer or supervisor chooses to upgrade their response level they must verbally notify ECC of the change via the radio.

C. Emergency Response and Overtaking Run Speed Limits

In response to what the officer reasonably believes is an emergency involving a serious crime and/or the imminent threat of death or serious injury or in a brief effort to overtake a violator traveling in a vehicle, the officer may exceed the speed limit so long as doing so does not endanger life or property, as follows:

1. Life Threatening Emergency Response

   A life-threatening emergency response involves any situation in which the immediate response and arrival of a law enforcement officer may either eliminate or reduce the probability of a life-threatening injury or death. This policy does not establish speed limits for a life-threatening emergency response however, officers must still give due regard and exercise reasonable care for the safety of the public.

2. Non-Life Threatening Emergency Response

   A non-life threatening emergency response involves any situation in which an expedient response and arrival of a law enforcement officer is necessary to establish order or the apprehension of a suspect. During a non-life-threatening emergency response, the following criteria will apply:

   a. In areas with posted speed limits greater than 25 miles per hour, a maximum speed of 20 mph over the posted speed limit shall be permitted.

b. In areas with posted speed limits of 25 mph or below, a maximum speed of 10 mph over the posted speed limit shall be permitted.

3. Officers may proceed through intersections contrary to traffic signs and signals only with reasonable care and after due regard has been given to the safety of the public.
4. The officer will not, under any circumstances, drive at speeds that are unreasonable given existing driving conditions. The aforementioned caps or limits on response driving speeds shall not be interpreted as license to drive that fast. There may be circumstances (e.g., ice, traffic or pedestrian density, etc.), in which it would be unreasonable to drive even at the posted speed limit.
5. When considering or participating in an overtaking run, it is reasonably apparent that the officer is not likely to quickly overtake the other vehicle within the speed limits established above, the officer shall promptly cease high speed driving and, if appropriate, attempt other means of apprehending the violator.
6. Officers shall not attempt to escort other emergency vehicles or private vehicles on an emergency run. Assistance may be given by blocking dangerous intersections to aid in the movement of such vehicles.
7. Because only use of both emergency lights and siren causes officers to have right of way in relation to other vehicles, officers shall operate both emergency lights and siren during emergency response driving and overtaking runs (this does not pertain to the pacing of a vehicle for enforcement purposes). If circumstances make use of the siren dangerous or otherwise inappropriate, as could be the case when an officer nears the scene he or she is responding to, the officer may eliminate the siren but, in that case, shall conform driving behaviors to the ordinary rules of the road.
8. Four-way emergency flashers shall not be used as emergency response equipment on any police vehicles, marked or un-marked, during an emergency response as they deactivate turn signals.

V. Vehicular Pursuit

A. Decision to Pursue <41.2.2a-b>

Officers must rely on the totality of the circumstances known at the time they decide to pursue a fleeing suspect in a vehicle, which shall be included in a written RMS incident report. The goal of any pursuit is the safe apprehension of the suspect without inappropriate danger to the public. Vehicle pursuits may be initiated only when the danger to the public created by the pursuit is less than the danger to the public should the suspect remain at large.

1. In addition to normal vehicle operation, when deciding whether to initiate or continue a pursuit, officers shall consider all circumstances affecting public and officer safety, including: <41.2.2a>

    a. The type of offense (the more serious or dangerous the offense, the greater the consideration to pursue)
    b. Road conditions, weather and traffic volume.
    c. Mental condition or possible impairment of fleeing violator.
    d. Speed and/or hazardous maneuvers by the violator.
    e. The presence of any non-sworn passengers in the police vehicle.
    f. Minors or hostages in fleeing vehicle.
    g. The officer's knowledge, training, and experience.

B. **Police Vehicles <41.2.2b, c, f>**

1. Only police vehicles equipped with and utilizing full emergency equipment, may participate in the pursuit of fleeing suspects.
2. Unmarked police vehicles not equipped with roof mounted emergency light bars shall yield pursuit position to police vehicles with roof mounted emergency light bars when it is safe to do so.

    a. The officer operating the unmarked vehicle, the primary unit officer and the controlling supervisor must take into consideration the additional risk factors involved in continuing the pursuit with unmarked vehicles involved.

3. Prisoner Transport Vehicles (PTV) shall not become involved in pursuits.
4. Should an officer driving a non-pursuit rated vehicle, motorcycle, or unmarked vehicle (special purpose vehicle) initiate a pursuit, that officer will relinquish primary unit status immediately upon the participation of a regularly marked police vehicle. Once a secondary marked police vehicle engages in the pursuit, the officer driving a special purpose vehicle shall immediately abandon the pursuit completely. After abandoning the pursuit, the officer driving a special purpose vehicle may proceed to the termination point in a non-emergency mode, adhering to the normal rules of the road.

C. Vehicle Pursuits Specifically Prohibited <41.2.2d>

Officers shall not engage in a pursuit under any of the following specific conditions:

1. When the identity of the suspect is known to the officer, and the suspect is not suspected of a serious or violent offense
2. When the pursuing officer's vehicle cannot be safely operated at pursuit speed
3. When an officer is transporting prisoner(s)

4. When an officer is transporting or carrying a passenger who is not employed by the department or is not an approved participant in the Ride-Along program who has completed the Ride-Along Application and attached waiver of civil liability.

D. Primary Unit Pursuit Procedures <41.2.2a>

1. Except as specifically ordered by a supervisor, responsibility for the decision to participate in a pursuit rests with the individual officer, but that decision must be in accordance with this policy.
2. Officers initiating or engaging in a pursuit shall notify ECC immediately that a pursuit is in progress. The officer shall provide ECC with the following information:

    a. Unit number
    b. Offense or reason for the pursuit
    c. Location and direction of travel
    d. Descriptions of vehicle and occupants
    e. Any exigent or unusual circumstances such as but not limited to: children in the pursued vehicle, suspect traveling the wrong way on a divided or one-way highway, or occupants displaying/using weapons.
    f. **Type of vehicle the primary officer is driving if an un-marked or non-pursuit rated vehicle.**

3. As soon as possible after the initiation of the pursuit, the pursuing officer, who shall be designated the primary pursuit officer, shall give ECC as much of the following information as reasonable under the circumstances:

    a. Road, traffic and weather conditions
    b. Speed of the suspect vehicle
    c. Description of the driver, if available
    d. Number and description of other occupants, if available
    e. Incidents, such as crashes, occurring during the pursuit
    f. Description of the suspect's actions

4. The primary unit shall communicate updated conditions and actions as they occur until a secondary unit becomes engaged in the pursuit.
5. The primary unit is responsible for listening to radio communications, correcting any miscommunication, complying with any directives, continually weighing the decision to continue the pursuit and acknowledging any termination order.
6. The primary unit shall maintain a safe interval or reactionary gap behind the fleeing vehicle, enough as to ensure that the police vehicle can be brought to a safe stop.
7. In the case of a two (2) person police unit, the officer riding as the passenger will handle the radio communications.

8. The primary unit, or any pursuing unit, may be relieved of his role in the pursuit if the officer feels that his police vehicle is unsafe to continue, the pursuit has entered unfamiliar roads or streets, the officer feels that the requirements of the pursuit have exceeded his personal driving capabilities, or for any reason the officer feels his participation might jeopardize the safe conduct of the pursuit.

    a. Under circumstances outlined above, the officer shall relinquish his position and advise by radio of his withdrawal from the pursuit. The controlling supervisor shall determine whether another unit is available to safely assume the vacated position.

E. Secondary Unit Pursuit Procedures <41.2.2c>

1. Unless directed otherwise by a supervisor, a second police unit, (designated secondary unit), may join in pursuit of the fleeing vehicle. Once in visual range of the primary unit, the officer shall provide ECC with the unit number and location and direction of travel.
2. The secondary unit will then assume radio communications and be responsible for:

    a. Monitoring the primary officer's emergency driving.
    b. Updating all conditions listed in Section D.3 of this policy.

3. The secondary unit shall maintain a safe interval or reactionary gap behind the primary unit and/or fleeing vehicle, enough as to ensure that the police vehicle can be brought to a safe stop.

F. Assisting and Uncommitted Procedures <41.2.2d>

1. Only the primary unit, secondary unit and controlling supervisor may be engaged in a vehicle pursuit at any given time, unless circumstances dictate otherwise or are authorized by the controlling supervisor.
2. No other officers or units will participate in the pursuit or pursuit related activities without specific unit authorization granted via radio transmission by the controlling supervisor.
3. Uncommitted units in the area of a pursuit may move towards the pursuit location unless otherwise directed by supervision. If in emergency response, these units shall utilize all emergency equipment and shall comply with the emergency response guidelines previously outlined in this policy. Uncommitted units should remain aware of the direction and progress of the pursuit but not directly engage unless specifically authorized by supervision.

4. All units should keep the radio channel clear while the controlling supervisor ascertains all the necessary information from the primary or secondary unit in order to determine if the pursuit should be allowed to continue.

G. Supervisor Responsibilities and Procedures <41.2.2f>

1. The controlling supervisor shall promptly acknowledge by radio and take command of the pursuit.
2. The controlling supervisor shall designate a secondary (if ECC has not already done so), to assist the primary pursuing officer and shall limit the number of units participating in the pursuit to the minimum number which can safely and effectively conduct the pursuit. This policy does not establish a specific number of units which may be used for a pursuit, because the circumstances of each incident will vary. While a primary and secondary officer may be sufficient in most instances, the need to conduct a "rolling roadblock" or the pursuit of a vehicle whose occupants are known to be armed and dangerous are just two examples of when it would be appropriate for a supervisor to permit more than one trailing unit to participate.
3. The controlling supervisor shall monitor the pursuit and coordinate the involvement of all assisting officers, to include:

    a. Continuously consider all available information to ensure compliance with this policy, and immediately terminate pursuits not authorized under this policy;
    b. Remain in the controlling supervisor position until the pursuit is terminated, or is relieved by a higher authority;
    c. Continually monitor and weigh all objective risk factors in permitting a pursuit to continue;
    d. Carefully consider whether the need to apprehend the suspect has been fully weighed against the dangers created by the pursuit;
    e. Proceed to the termination point of the pursuit if the violator’s vehicle stops;
    f. Coordinate the involved officers and available specialized support, such as canine or aerial units.

4. Should a supervisor initiate a pursuit and be the only supervisor available in the zone, the supervisor must direct that another marked patrol unit(s) take over the primary or secondary unit responsibilities immediately, as practicable. If no other marked vehicles are available and no other supervisor is available to be the controlling supervisor, the supervisor engaged in the pursuit must weigh this factor into determination of whether or not to continue the pursuit and respond accordingly.

H. Emergency Communication Center Responsibility <41.2.2e>

1. ECC shall place the radio on "Stand-by" when an officer announces that they are in pursuit.
2. ECC shall immediately contact a field supervisor to take command of the incident if no field supervisor is on the air.
3. In the event that a pursuit is initiated by the only supervisor in the zone, ECC shall immediately contact an adjacent zone supervisor to take command of the incident.
4. ECC shall dispatch an air unit as soon as practical after the initiation of a pursuit and shall notify the field supervisor in command of the pursuit regarding the status of the air unit.
5. ECC will repeat radio broadcasts of units participating in the pursuit only if requested by a field supervisor or by units participating in the pursuit.

I. Aerial Support <41.2.2d>

1. The presence of an air unit shall not, by itself, constitute the basis for terminating a pursuit. An air unit maintaining visual contact of a pursuit shall notify the field supervisor of their presence over the area of the pursuit and provide appropriate directional information to the involved officers and supervisor.
2. When the air unit has advised that the suspect vehicle is in view, the controlling supervisor may consider that the pursuing units discontinue close pursuit. If so decided, primary and secondary units must then decrease speed and add additional distance for the purpose of increasing safety. Units may close this distance for the purpose of taking suspect(s) into custody if officers reasonably believe that the pursuit is about to terminate.

J. Forced Termination Techniques <41.2.3a, b, d>

In some pursuits immediate action must be taken to terminate a subject's flight by roadblocks or Stop Sticks. Such action may be taken only with the express prior authorization from the controlling supervisor and only when the officers have received formal training in such techniques. Accountability for authorization of such actions rests with the controlling supervisor in charge of the pursuit and decisions regarding them shall be made in conformity with the guiding principles of this policy.

1. Use of Force Considerations

   a. Stationary roadblocks, and other forced vehicle stops may be deadly force, depending on the likelihood that serious injury will be inflicted. In such actions, officers shall comply with department policy regarding use of force.

b. Positioning moving pursuit vehicles to deter or channel a fleeing suspect is not deadly force and is allowed in compliance with this policy but must not create a significant risk of collision unless deadly force is authorized.
c. An officer may not intentionally use a vehicle to ram the suspect's vehicle except in a deadly force situation as described in the Use of Force policy.

2. Stop Sticks Procedures

The controlling supervisor should consider the use of and deployment of tire deflation devices whenever practical, as a means of limiting or terminating the pursuit. Officers involved in the deployment and use of tire deflation devices shall consider the most effective location for placement of Stop Sticks:

a. Stop Sticks shall not be deployed to stop the following vehicles unless continued movement of the suspect vehicle would result in an increased hazard to others:

1) Any vehicle transporting hazardous materials
2) Any passenger bus transporting passengers
3) Any school bus transporting students
4) Any vehicle that would pose an extraordinary hazard to community members beyond the hazards normally involved in pursuits
5) Any vehicle with 3 wheels or fewer

b. The controlling supervisor shall coordinate with the pursuing officers and the officer(s) deploying the Stop Sticks to ensure the safe and effective use of the device(s).
c. The officer(s) deploying the Stop Sticks shall be in position at a predetermined location in sufficient time for proper deployment. The coordinating supervisor and all pursuing officers should be notified when the device is in place.
d. The deployment location should have reasonably good sight distance to enable the officer deploying the device to observe the pursuit and other traffic as it approaches.
e. Deployment should not occur on:

1) Curves
2) Bridges
3) Any location which should be avoided due to current existing circumstances (Traffic construction, special events and/or activities may create situations where the use of the device would be inappropriate. Position and vulnerability of the public, private property, and other

assisting units and equipment should be considered when deploying the device.)

f. Officers deploying Stop Sticks should choose a location with natural barriers such as roadways under/overpasses guardrails or shrubbery. These barriers assist in concealing the officer from the suspect's view, limit the suspect's ability to avoid the device, and allow the deployment of the device so that the officer is in a relatively safe position.

g. The Stop Sticks will be deployed in accordance with the manufacturer's recommendations and training guidelines.

h. After deploying the Stop Sticks everyone at the scene of the device should take safe position, far enough away from the device as to minimize risk of being struck by the fleeing vehicle should it be operated erratically to avoid the Stop Sticks or after contacting the device.

i. Officers who deploy Stop Sticks are responsible for securing them immediately after their use. This shall include searching the immediate area where the device was used and collecting any spikes or points, which may have become detached, and properly maintaining, preparing for reuse and storing the devices.

j. If another law enforcement agency is requesting assistance for a pursuit into Chesterfield County, that agency should approve the use of Stop Sticks by CCPD officers unless CCPD has assumed the primary pursuing roll.

k. The use of Stop Sticks is a use of force. Officers deploying them must submit a Use of Force and/or Suspect Injury Report through BlueTeam when that deployment resulted in contact with a vehicle. <41.2.3e>

3. Rolling Roadblock Procedures

a. A rolling roadblock is established by maneuvering one or more police vehicles ahead of the suspect vehicle, one or more police vehicles alongside the suspect vehicle, and one police vehicle directly behind the suspect vehicle. The lead police vehicle shall advise the other involved officers to begin slowing down. With the suspect vehicle "boxed in", the police vehicles slow to a stop, thus forcing the suspect vehicle to stop.

b. Supervisors and officers considering using rolling roadblocks shall at all times, balance the need for the roadblock against the potential dangers to the suspect and public of using the roadblock. Road conditions, traffic, intersections, terrain and other such factors should be considered before performing a rolling roadblock. Officers using a rolling roadblock shall always exercise due regard

for the safety of others and the roadblock shall be discontinued if it creates or becomes an unreasonable risk of injury to others. Officers operating vehicles involved in a rolling roadblock shall use emergency lights and siren at all times.

c. Officers must carefully choose an area to attempt a rolling roadblock. If possible, the officer shall choose an area with:

1) Light traffic flow,
2) Good visibility, avoiding hill crests and curves,
3) Lateral mobility restricted should the suspect attempt to maneuver out of the "box."

d. Use of a rolling roadblock should be considered when:

1) A driver appears to be intoxicated and does not stop, or,
2) The fleeing suspect is a known felon or has committed a violent felony, (such as ramming an occupied vehicle), or
3) The fleeing suspect's actions become increasingly reckless as the pursuit continues, thereby presenting a threat to others.

e. The use of a rolling roadblock must be documented in the mandatory administrative pursuit review in BlueTeam. Documentation shall include the controlling supervisor's justification for the rolling roadblock. <41.2.3e>

4. Stationary Roadblock Procedure

a. Stationary roadblocks are permitted only if:

1) The location of the roadblock gives reasonable opportunity for the suspect and pursuing officer(s) to recognize the roadblock and to come to a safe stop, given the known speeds of the pursuit and visibility of emergency lighting equipment.
2) The roadblock is established at a location and in such a manner that motorists can safely and quickly be moved past the roadblock to prevent them from being trapped between the roadblock, the suspect vehicle, and pursuing police vehicles.
3) The pursuing officers are aware of the roadblock prior to coming into visual range.

b. Only a supervisor may authorize a stationary roadblock and when it appears to the supervisor that the action can be taken in reasonable safety and is likely to result in the apprehension of the suspect.

c. The supervisor shall be accountable under the Use of Force Policy, for any decision or direction to attempt a stationary roadblock as a means of terminating the pursuit and apprehending the suspect. The use of a stationary roadblock shall be documented in the mandatory administrative pursuit review in BlueTeam. Documentation shall include the controlling supervisor's justification for the stationary roadblock. <41.2.3e>

K. Termination of Vehicle Pursuits <41.2.2a, b, f, g>

1. The controlling supervisor and officers engaged in a vehicle pursuit shall continually evaluate the totality of the circumstances justifying the pursuit. If at any time the circumstances change or evolve to a point where the pursuit is no longer justified, the officer and/or supervisor shall immediately terminate the pursuit.
2. Termination of a pursuit shall be ordered by the primary unit, any involved assisting officer, the controlling supervisor, or a higher authority at any time the pursuit cannot be conducted safely within the parameters of this policy.
3. Any officer with relevant information regarding pursuit dangers shall promptly report such facts to the controlling supervisor.
4. Any decision to terminate shall be reported to ECC for broadcast to all units.
5. An officer who is ordered to terminate a pursuit shall do so immediately.

L. Pursuits that Extend Beyond Chesterfield County <41.2.2h>

1. ECC shall be notified when it is likely that a pursuit will continue beyond Chesterfield County. ECC shall contact the adjoining jurisdiction or the Virginia State Police and provide pertinent information concerning the pursuit. Pursuing officer(s) shall yield to adjoining jurisdictions at such time as the adjoining jurisdiction is prepared to assume primary responsibility for the pursuit.
2. When the suspect proceeds onto an interstate highway and it is likely that the pursuit will leave Chesterfield County, the Virginia State Police shall be notified. Pursuing officer(s) shall yield to the trooper(s) at such time they indicate they are prepared to assume primary responsibility for the pursuit.
3. If the pursuit leaves Chesterfield County and enters an adjoining jurisdiction and that jurisdiction's law enforcement agency declines to participate or assist in the pursuit, the controlling supervisor of the pursuit must re-evaluate whether the pursuit should continue.

M. Pursuit Ending in Apprehension Outside of the County of Chesterfield <41.2.2h>

1. If a pursuit ends in the apprehension of the suspect in a jurisdiction adjoining Chesterfield County, the arresting officer will bring the accused back to Chesterfield County to appear before the proper official.
2. If the pursuit ends in the apprehension of the suspect in a jurisdiction that is beyond any of the jurisdictions adjoining Chesterfield County, then the arresting officer shall take the accused before the proper official in the jurisdiction where the arrest is made, and procure a warrant charging the accused with the offense committed in Chesterfield County.

N. Pursuits Entering the County / Pursuits Involving the State Police <41.2.2h>

1. If a state trooper pursues a vehicle onto a secondary road in the county, the county will assume the primary pursuit role if possible; provided, that the state trooper relinquishes their primary pursuit role.
2. If a unit from another jurisdiction pursues a vehicle into the county, the county will assume the primary pursuit role if possible, unless otherwise directed by a supervisor.
3. Assumption of the primary pursuit role should only occur when:

    a. Chesterfield ECC has received notification from the pursuing officer's dispatcher that the officer is ready to be passed, and then advises the Chesterfield unit to assume the primary role, or;
    b. The primary pursuit officer signals that they want the Chesterfield unit to pass and assume the primary role.

O. Immediate Review and Reporting of Pursuits (See Post Critical Incident Review) <41.2.2i>

1. The primary pursuit officer shall submit an RMS incident report to Records.

    a. Incidents described in section V. N. of this policy shall also require an RMS incident report. The reporting officer shall utilize “Traffic – Pursuit/When Assisting Other Jurisdiction” for the incident offense type.

2. Assisting officers directly participating in the pursuit shall submit a supplemental incident report.
3. The primary supervisor shall enter the pursuit for administrative review in the IAPro database via the BlueTeam application available on PoliceNet. The supervisor shall enter a brief synopsis of the pursuit details and attach a copy of the ECC Wav File, RMS

Report and any other pertinent files. The administrative review shall also be required for incidents described in section V. N. of this policy.

4. The supervisor will be responsible for reviewing the pursuit with all officers involved and forwarding the incident in BlueTeam to each officer who was actively engaged in the pursuit for their comments. Once all the comments have been captured in BlueTeam, the supervisor will forward the incident to the next supervisor in their chain of command for comment. This procedure will continue until all comments have been captured and the incident reaches the bureau commander.
   a. All personnel involved will be directed to listen to the WAV file and discuss in person with supervision their critique of the incident. The review should focus on:

      1) Public safety (i.e. Whether or not the pursuit should have been conducted at all and/or should it have been terminated at some point, etc.)
      2) Communications (i.e. Were clear directions given by supervision?)
      3) Tactics (i.e. Could the pursuit have been executed better? What could have been done differently?)

5. Within 15 days following the pursuit, or otherwise directed by the Office of the Chief, the bureau commander will review all materials associated with the incident to ensure the officer's actions were in compliance with department policies, as well as department training and local, state, and federal laws and regulations. If the bureau commander is unavailable to complete this review within 15 days, the review shall be completed by the deputy chief of Operations.

P. Documented Annual Review <41.2.2j, k>

The Office of Professional Standards shall document, annually, a review of pursuit policy, reporting procedures, and analysis of pursuit reviews conducted.

VI. Vehicle Jams

Vehicle jams are vehicle stops that apply common tactical elements and principles to increase officer, citizen and suspect safety and to take motor vehicle occupants into custody. Tactics include advanced training, coordination, intelligence, and the use of tactical containment, movement, surprise, deception, distraction and superior resources to minimize the opportunities for flight of the suspect, destruction of evidence, or assault on the arresting officers. Vehicle jams, like other tactical operations, are dynamic and fluid. Mission success relies on trained personnel responding to suspect counter measures based on operational preparation and sound tactical principles.

A. General

1. Vehicle jams are tactical vehicle stops used to minimize the opportunities for flight of the suspect, destruction of evidence, or assault on the arresting officers.
2. Vehicle jams differ from roadblocks (moving and stationary) in that they rely on the element of surprise.
3. Vehicle jams will be used only after due consideration has been given to a standard traffic stop and the supervisor deems it necessary.
4. Only officers trained in vehicle jam procedures will be authorized to participate in them.

B. Preparation

1. An operational plan should be devised by the supervisor or detective(s) planning the operation, unless exigent circumstances require immediate action.
2. The plan will be reviewed by a supervisor who has been trained in the use of the procedure prior to the technique being employed.
3. The responsibilities of all officers involved in the operation will be discussed with them during a briefing held prior to implementation of the procedure. In those situations when a uniformed officer is called on to affect a vehicle stop, he/she will be fully briefed on his/her role and responsibilities from the beginning through the end of the operation.

C. Planning Details

1. Operational plans will stress the safety of the officers involved in the operation, the safety of innocent civilians, the safety of the suspects, and the protection of property (in that order). The safety of bystanders should always be a paramount concern.
2. The strength and reliability of the information available to the officers involved is a critical consideration in planning the stop. Every effort will be made to assess, among other things:

    a. The likelihood of attempted flight by the suspect
    b. The likelihood for the use of violence by the suspect

3. Protective vests and raid jerseys will be worn by all non-uniformed officers and detectives participating in the operation in all situations where time permits. In the event the participating officers or detectives have not been issued raid jerseys, department issued Identi-jackets or other clothing clearly marked "POLICE" may be substituted.

4. Planning will consider the officers' ability to control the time and location of the stop; to the greatest extent possible, these factors should be planned to produce the greatest chance of operational success.
5. The employment of natural barriers to suspect vehicle movement (stopping in parking lots or driveways, stopping at traffic lights) and the use of a uniformed officer to affect a routine traffic stop will be addressed.
6. A sufficient number of police vehicles will be used to ensure that the suspect vehicle's movement can be limited in any direction.
7. Duties of the officers involved following the actual stop will be described in the plan. Vehicle approach, foot pursuit, and other responsibilities will be considered to ensure suspect apprehension and the prevention of cross fires.
8. The need to notify other areas of the Police Department or other agencies will be considered.
9. The plan will provide for flexibility so that dictated changes in the location of the stop, exact time of the stop, etc., will not prevent the safe conclusion of the operation.
10. The plan will address contingencies to be considered in the event the suspect attempts to evade the stop (i.e. if the stop is being planned to effect the arrest of an armed homicide suspect, there is greater justification for damage to police vehicles should the suspect strike them with their car than if the stop is being effected to apprehend a suspect believed to be in possession of a small amount of marijuana.)
11. The plan will be in written form in all situations when time permits, and a copy filed in the case file in the Special Investigations Division. The Vice and Narcotics Operational Plan will be used for this purpose.
12. Whenever possible, when the operation is planned to take place in Chesterfield County, the supervisor of the operation will notify the on duty Uniformed Operations Shift/Watch Commander of the operation prior to its initiation.
13. Execution Details:

    a. If the stop cannot be affected at the preferred location (due to change in route by the suspect, the presence of unexpected innocents, etc.), then waiting for an acceptable alternate opportunity should be considered. It is preferred that a revised plan be drafted and implemented in lieu of rushing the situation and compromising the operation altogether (the operational plan should address the potential need for location flexibility.)
    b. In the event an unmarked police vehicle is to be positioned in front of the suspect vehicle to create the forward barrier to movement, the driver of the car may lay down across the seat as soon as the stop is executed and remain in this position until the apprehension is effected, or when safe and feasible after

the vehicle is placed in park, quickly exit the vehicle and position yourself away from the immediate threat zone.

c. In high risk vehicle jams contact with the suspect vehicle may be used as a distraction technique only after approval is authorized through the supervisor. Only officers with training in the technique will be allowed to perform it. A Use of Force Report shall be completed and shall be reviewed by the Office of Professional Standards.

D. After Action Review

1. An after-action review may be conducted following any vehicle jam operation; however, a review shall be mandated in the event any of the following occur:

   a. There is any reported suspect or officer injury
   b. There is damage to any vehicle resulting from the stop
   c. There is use of deadly force
   d. One is requested by any member of the unit conducting the stop

2. After action reviews will focus on the following:

   a. Effectiveness of the operation
   b. Detective or officer performance
   c. The need for procedure or operational plan revision
   d. Identifying future training needs

VII. Police Escorts: Emergency Vehicles, Private Vehicles, Security <61.3.3a-b>

Department personnel will only provide safety and/or security escort services in accordance with the procedures defined in this policy.

A. Other Emergency Vehicles

Police vehicles will not be used to escort other emergency vehicles being operated with emergency response equipment activated and being driven under the exemptions from traffic regulations.

1. Officers may either ride with or drive the other emergency vehicle to the emergency destination upon supervisory approval.
2. Officers may coordinate the blocking of intersections to assist the other emergency vehicle's response.
3. Emergency vehicles with non-functional emergency lights:

a. Police vehicles will not be used to escort such vehicles above posted speed limits. Time gained by using an emergency escort is achieved by maneuvering through traffic congestion and intersections.
b. If a police vehicle is used to escort an emergency vehicle with non-functioning emergency lights, officers will discuss the response with the operator of the other emergency vehicle. The escorting officer shall:

1) Not exceed the posted speed limits.
2) Exercise due care and caution while passing vehicles considering the following vehicle.
3) Stop and clear an intersection controlled by a signal or sign when attempting to pass through the intersection against the signal or sign before signaling the escorted vehicle through the intersection.

B. Private Vehicles

Police vehicles will not be used to escort private vehicles above posted speed limits. Time gained by using an emergency escort is achieved by maneuvering through traffic congestion and intersections.

1. Medical Emergencies - Officers should evaluate the circumstances to determine a reasonable method of assistance. Options may include:

a. Summoning an EMS Unit to respond to the location
b. Transferring the injured or ill person to the police vehicle for emergency response to the closest medical facility
c. Obtaining permission to have an officer operate the private vehicle while being escorted by a police vehicle at speeds within the posted limits and in accordance with other traffic regulations. The officer operating the private vehicle must exercise caution and give due regard to the safety hazards of the circumstance when passing other vehicles yielding to the police vehicle emergency equipment and must have a direct signal from the escorting officer to pass through an intersection against the controlling signal/sign device.

2. Emergency Support Personnel: Occasionally, events occur which require medical, rescue, and logistical support personnel to be escorted into the critical incident command perimeter. Officers should evaluate the circumstances to determine a reasonable method of escort assistance and coordinate a response with the Incident Commander. If a police vehicle is used to escort emergency support personnel driving personal or non-emergency equipped vehicles, officers will discuss the response with

the operator of the vehicle transporting personnel or supplies. The escorting officer shall:

a. Not exceed the posted speed limits.
b. Exercise due care and caution while passing vehicles considering the following vehicle.
c. Stop and clear an intersection controlled by a signal or sign when attempting to pass through the intersection against the signal or sign before signaling the escorted vehicle through the intersection.

C. Security Escorts

The department will not routinely provide security escort services to private businesses or financial institutes unless there are exigent or unusual circumstances. All such security escorts require prior field supervisor approval. Security escorts may be arranged according to the Off-Duty Employment Policy.

D. Funeral Escorts

1. Funeral escorts are arranged by the off-duty administrative sergeant or by any officer who desires to coordinate the off-duty escort employment directly with a funeral home.

a. If the off duty administrative sergeant handles a call from a funeral home requesting an escort, he/she will send out a solicitation for off-duty officers to handle the escort. In these circumstances the officer(s) will be paid a flat rate of $75 dollars directly from the funeral home officials.
b. When all attempts to fill the escort request fail and no full-time officers can be found to handle the escort, part-time or auxiliary officers may be used to perform the assignment. In these circumstances the officer(s) will paid a flat rate of $75 dollars directly from the funeral home officials.
c. In the event no off-duty officers can be found to handle the escort the off-duty administrative sergeant will contact a supervisor on the patrol shift the escort will be conducted during to arrange for on-duty officers to handle the escort. In these circumstances there will be no charge for the service.
d. If an officer works directly with a funeral home requesting an escort he/she is responsible for arranging payment for the services provided at a mutually agreed upon rate. Funeral homes may elect to use the contracted services through the off-duty administrative sergeant.

2. Police vehicles used in funeral escorts will operate appropriate emergency equipment during the escort and will stop at all intersections governed by traffic lights or manual signs and then clear the way for the funeral procession to advance when safe. All officers assisting with an escort shall proceed in a safe and courteous manner when traveling from intersection to intersection and with due regard for the safety of persons and property at all times.
3. Because of the nature of funeral escorts officers may exceed the posted speed limits in accordance with §46.2-920, Code of Virginia. However, the department is limiting the speeds of officers conducting funeral escorts to a maximum of 20 MPH above the posted speed limits.
4. All officers assisting with escorts must remember that safety and traffic control is a primary concern and as such shall remain focused on the safety of citizens navigating the roadways. Officer shall not divert their attention from that task to render honors to the deceased or for any other reasons. As a sign of respect, the lead escort officer, when arriving at the final destination, may, in cases where all traffic has been stopped and the location secure, remove his/her hat as the hearse approaches and while the escort passes by and replace it after the procession is over.